
Advance unedited versionDistr.: General
2 December 2024Original: English
English, French and Spanish only

Human Rights Committee**List of issues in relation to the fourth periodic report of Latvia*****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide information on: (a) the mechanisms in place for the implementation of the Committee's concluding observations and Views under the Optional Protocol; (b) the progress made in raising awareness among judges, prosecutors, lawyers, law enforcement officers and the public of the rights enshrined in the Covenant, of their applicability under domestic law and of the complaint procedure available under the first Optional Protocol to the Covenant; and (c) examples of cases in national courts where Covenant provisions have been invoked or referred to.

2. With reference to the Committee's most recent concluding observations on the third periodic report of the State party (CCPR/C/LVA/CO/3) (para. 5) and the information supplied by the State party in its periodic report (CCPR/C/LVA/4, paras. 7-9), please describe the measures taken to bring the Office of the Ombudsman fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly with regard to the process for the selection and appointment of members and the dismissal of the Ombudsperson. Please include information about the status and material scope of any planned amendments to the Law on the Ombudsman, including on matters related to the tenure of the Ombudsperson, protection from criminal and civil liability and organisational structure of the Office and its role as the National Preventive Mechanism for the prevention of torture, and report on measures taken to ensure that the Office is provided with adequate financial and human resources to carry out its mandate effectively. Please also report on the steps taken to ensure prompt implementation of the Ombudsman's recommendations by public authorities.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the measures taken to prevent and combat corruption effectively, particularly in the public sector, including through: a) the implementation of the Corruption and Combating Action Plan 2023-2025, and b) the improvement of the institutional framework, in particular regarding the measures taken to ensure efficient investigations of corruption-related cases, in terms of the mandates and coordination of the State party's anti-corruption bodies, the role of the Corruption Prevention and Combating Bureau's (KNAB) and the funding of these bodies. Please include information on the implementation of the Law on Disclosure of Interest Representation. Please also provide statistical information on the number of investigations, prosecutions, convictions of those found responsible and sentences handed down in corruption cases, during the reporting period and, in particular, in cases involving high-level public officials and in the judicial system.

* Adopted by the Committee at its 142nd session (14 October-7 November 2024).

Non-discrimination (arts. 2, 19, 20 and 26)

4. Bearing in mind the Committee's most recent concluding observations (para. 19) and the information supplied by the State party in its periodic report (CCPR/C/LVA/4, paras. 102 and 124-126), please indicate the progress made during the reporting period to implement and/or amend criminal law provisions aimed at combating racially motivated crimes and to include incitement to violence on grounds of sexual orientation or gender identity as a criminal offence. Please also describe the efforts made during the reporting period to: a) prevent and effectively punish hate crime and hate speech and other acts of discrimination, stigmatization and violence, including by providing updated statistics on criminal proceedings, b) address the use of racist discourse in politics and in the media, and (c) encourage the reporting of such acts. Please describe any training and public awareness campaigns that have been carried out to promote and ensure the effective implementation of the *Guidelines to Identify and Investigate Hate Speech* and describe the concrete impact the Guidelines have had.

5. In the light of the Committee's most recent concluding observations (paras. 7 and 21) and with reference to the information in the State party report (CCPR/C/LVA/4, paras. 4-6, 10-11, 152-162), please provide information on the measures taken to ensure the full and equal enjoyment of the rights in the Covenant by "non-citizen" residents and members of linguistic minorities, including on the legislative changes to the Immigration Law requiring Russian citizens to pass a Latvian language test as requirement to renew their permanent residence permits. In this regard, please provide disaggregated data on the number of Russian citizens residing in the State party affected by said legislative changes and liable to be deported; and the protection measures available for them. Please also describe the measures taken and specific programmes adopted to effectively address the barriers faced by Roma to access all the rights under the Covenant without discrimination, including with regard to education, housing, health care, and employment.

State of emergency (art. 4)

6. Please provide information on national legislation regarding the declaration of a state of emergency, as well as on how such laws comply with the requirements of article 4 of the Covenant and general comment No. 29 (2001). In that regard, please provide information about Order No 518 of the Cabinet of Ministers of the Republic of Latvia on the Declaration of Emergency Situation, adopted on 10 August 2021 to address the influx of migrants and refugees at the country's borders, and any measures implemented pursuant to such Order No 518. In particular, please specify whether such measures impermissibly derogate from the State party's obligations under the Covenant and, if so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and were limited in duration, geographical coverage and material scope.

Gender equality (art. 3)

7. With reference to the Committee's most recent concluding observations (para. 6) and the information supplied by the State party in its periodic report (CCPR/C/LVA/4, paras. 12-19), please explain whether steps have been taken to adopt a comprehensive gender equality law, and describe the role and activities of the Gender Equality Committee. Please also provide information on: (a) the implementation and impact of the Plan for the Promotion of Equal Rights and Opportunities for Women and Men 2021-2023, and the status of the development of a new Plan; (b) the measures taken to narrow the gender pay gap, including information on the implementation and impact of the Inclusive Employment Guidelines 2015-2020; and (c) the measures taken to address stereotypes and biases concerning social and family roles of women and men.

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

8. With reference to the Committee's previous concluding observations (para. 9) and the information provided in the State party's report (CCPR/C/LVA/4, paras. 33-46), please provide further information on the efforts made to eradicate gender-based violence, including intimate partner violence, spousal rape and other sexual violence, and femicide. In this respect, please indicate the awareness raising campaigns for the society, as well as the

training provided, for public officials, including judges, prosecutors, law enforcement and other officials. Please indicate the steps taken to establish a comprehensive law on gender-based violence against women, and to recognize intimate partner violence and spousal rape as specific crimes in its Criminal Law.

9. Please report on the steps taken to: (a) encourage the reporting by victims of cases of violence against women; (b) ensure that cases of gender-based violence are thoroughly investigated and that the perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and provide updated disaggregated data in this regard; (c) indicate whether a special investigations unit for cases involving such violence has been established; and (d) provide appropriate psychological, social, legal and rehabilitative services for victims and their families, particularly to address the concerns related to the lack of specific shelters available for victims of violence, including sexual violence.

Right to life (art. 6)

10. With reference to the information provided in the State party's report (CCPR/C/LVA/4, paras. 23-29) and in the light of the Committee's most recent concluding observations (para. 10), please provide updated statistical data on the number of deaths in places of detention as well as in psychiatric institutions, and on the number of investigations carried out and criminal proceedings initiated for such deaths, and their results. Please indicate whether steps have been taken, including through the amendment of the Law on the Protection of the Body of Deceased Human Beings and Use of Human Tissues and Organs in Medicine, to ensure that all deaths in psychiatric institutions undergo an independent review and examination. Please provide further information on the measures taken to reduce the risk of suicidal behaviour in prisoners, including the implementation and impact of the "Be Identified" programme as well as the suicide risk-assessment-scale and of individuals in psychiatric institutions.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (art. 7)

11. In the light of the information provided by the State party (CCPR/C/LVA/4, paras. 30-32 and 84-87), please provide further information on the progress made in ensuring that torture is prohibited as a specific offense in the Criminal Law and that the definition and penalties for torture are aligned with the Covenant and other relevant international standards. Please describe the functions of the Internal Security Bureau, established through Article 4 of the Law on the Internal Security Bureau in 2015, and the safeguards in place to ensure that the Bureau is fully independent and can conduct its investigations into cases of torture and ill-treatment by law enforcement officials without undue influence. Please report on the efforts taken to encourage the reporting of torture and ill-treatment by law enforcement officials, and to ensure that all individuals in detention are protected against reprisals and adequately and effectively informed of the complaints procedure, and provide updated statistical data on the number of complaints of torture and ill-treatment received and the number of investigations, disciplinary measures, prosecutions and convictions for such acts, including the penalties imposed.

12. With reference to the previous concluding observations (para. 16), please report on measures taken to offer adequate community-based or alternative social care services for persons with psychosocial and mental disabilities to provide less restrictive alternatives to forcible confinements, including information on the specific measures taken within the context of the Action Plan for the improvement of mental health services in Latvia for 2023-2025. Please also describe the steps taken to promote psychiatric care aimed at preserving the dignity of patients, both adults and minors, including through the increase of adequate socio-therapeutic and recreational activities, and daily outdoor activities in social care centres and through ensuring an adequate number of qualified staff. Please also report on the legal safeguards in place regarding voluntary placement in psychiatric institutions to ensure that individuals are not *de facto* deprived of their liberty.

Liberty and security of the person (art. 9)

13. With reference to the Committee's previous concluding observations (para. 13) and the information provided in the State party's report (CCPR/C/LVA/4, paras. 67-70), please describe the measures taken to reduce the length and frequency of pretrial detention on remand and to compile reliable data on the length and frequency of pretrial detention. In that regard, please provide updated statistical data on pretrial detention (the number of detained persons and the period of detention), as well as information on non-custodial alternatives to pretrial detention and the application of these alternatives in practice. Please also report on: (a) the measures taken to ensure all detained persons are fully informed of their rights under the Covenant and have effective access to a lawyer from the outset of a deprivation of liberty, including individuals who are provided with ex officio legal representation; and (b) whether the State party has implemented additional safeguards against the ill-treatment of detained persons, including the electronic (audio-visual) recording of all police interviews.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

14. In the light of the information provided in the State party's report (CCPR/C/LVA/4, paras. 55-56, 62 and 109) please describe the efforts made to prevent and combat trafficking in persons, including child trafficking, and the sexual exploitation of children, and labour exploitation of migrant and undocumented workers. In this regard, describe the efforts made to increase training for law enforcement officials and other professionals in order to improve their capacity to identify and assist victims of trafficking; as well as the awareness raising campaigns implemented and the measures taken to provide effective remedies, including protection, rehabilitation and compensation for victims. Please report on the progress made in the implementation of the Plan for Prevention of Trafficking in Human Beings for 2021-2023 to develop the necessary regulatory framework for the prevention of trafficking in human beings, including the establishment of a centralized National Referral Mechanism and a National Independent Rapporteur.

15. With reference to the Committee's most recent concluding observations (para. 8), please describe the measures taken to promptly, effectively and impartially investigate, prosecute and punish all acts of trafficking in human beings and labour exploitation, and provide updated and detailed information about the number of complaints, investigations, prosecutions and convictions in cases of forced labour and trafficking in human beings during the reporting period, as well as the remedies, including compensation, provided to victims. Please include information about the severity of criminal or administrative penalties imposed on perpetrators. Furthermore, please report on the steps taken to improve labour inspection standards, victim identification and the measures of protection and assistance provided to victims, including effective recovery and reflection periods, and the efforts made to ensure that the services provided to victims are sufficiently funded.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)

16. With reference to the information provided in the State party's report (CCPR/C/LVA/4, paras. 89-104) and in the light of the Committee's most recent concluding observations (para. 14), please provide information on the legislative measures adopted since 2021 to create an "enhanced border regime", including by granting border guards the power to prevent the irregular entry of foreigners, and discuss the compatibility of such this regime with the State party's obligations under international law, including full respect for the principle of non-refoulement. Please also respond to reports of summary returns and ill-treatment of individuals seeking, or in need of, international protection who have been apprehended at the border, detained without access to asylum procedures, or denied their right to have their protection claims examined, and subsequently returned to their countries of origin in violation of the principle of non-refoulement. Please provide updated information, disaggregated by age, sex and country of origin, on the number of asylum-seekers, refugees and stateless persons in the State party and on the number of individuals, particularly children, among groups held in detention, including at the border, and provide information on the duration of their detention and the safeguards in place to ensure effective

access to legal representation and appeal procedures against decisions concerning asylum and deportation.

Statelessness and deprivation of citizenship (2, 16 and 24-25)

17. Please report on measures taken to prevent and reduce statelessness within the State party, including through the implementation of the 2019 law on terminating the granting of non-citizen status to children and the Citizenship Law, and provide updated data disaggregated by age, sex and ethnicity on the number of stateless persons and “non-citizen” residents, including children. Please clarify whether there are plans to establish a procedure to facilitate the naturalisation of stateless persons and, with reference to the Committee’s most recent concluding observations (para. 7), describe the measures taken to ensure the full enjoyment of the rights in the Covenant by “non-citizen” residents and stateless persons. Please provide information on the amendment to the Citizenship Law in April 2022 which allows the government to revoke the citizenship of individuals who support countries or people responsible for war crimes, and report on the number of persons whose citizenship has been revoked since the law’s adoption.

Access to justice, independence of the judiciary, and fair trial (arts. 2, 9 and 14)

18. With reference to the Committee’s previous concluding observations (para. 17) and the information provided in the State party’s report (CCPR/C/LVA/4, paras. 105-108 and 110), please describe the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors and to increase the resources for the judiciary, and provide information on the progress in establishing a new centralised training centre for judges, prosecutors and investigators. Please comment on reports of ongoing politicization and corruption in the judicial system, and describe the measures taken to: improve the trust in the justice system; and (c) implement adequate safeguards, such as independent oversight bodies, against undue political influence in the appointment of judges, particularly with regard to appointments to the Supreme Court. Please also report on the measures taken to ensure, in law and practice, respect for fair trial guarantees, as set out in article 14 of the Covenant, particularly with regard to updated information on ensuring the timely issuance of judgments.

19. Please describe the legal framework and mechanisms in place to ensure minors in conflict with the law are treated in a manner that promotes their integration into society, and providing information about the types and lengths of sentences applied to such minors during the period under review. Please report on the steps taken to guarantee the effective protection of minors in conflict with the law, including by guaranteeing that the detention of minors is used only as a measure of last resort and for the shortest possible time.

Conscientious objection to military service (arts. 2, 18 and 26)

20. In the light of the State Defence Service Law adopted in April 2023 to reintroduce conscription in 2024, please provide information on the opportunities for alternative service for all conscientious objectors, explain whether such service is compatible with international standards and is not punitive or discriminatory in its nature or duration in comparison with the military service, and clarify whether the State party provides for the early release of professional members of the armed forces who later become conscientious objectors. Please indicate the conditions necessary to qualify for alternative service, the duration of the alternative service and the number of requests for an alternative service made since the reintroduction of conscription, as well as whether there are judicial or administrative remedies against a negative decision of the special commission that evaluates the applications for an alternative service. Please report on the measures in place to ensure that children under the age of 18 years, particularly through the “Youth Guard” programme and the National Defence Course in secondary schools, are not exposed to military training involving the use of firearms.

Freedom of expression (arts. 19 and 20)

21. With reference to the Committee’s most recent concluding observations (para. 18) and the information provided in the State party’s report (CCPR/C/LVA/4, paras. 119-123), please

describe the measures taken to ensure the safety of journalists, media outlets and human rights defenders, and protect them from arbitrary actions such as the revocation of broadcast licenses as well as attacks and intimidation, including online, and provide updated information on the pending criminal proceedings related to the attack in 2012 against the journalist Leonids Jakobsons. Please report on measures taken to ensure an enabling environment for all independent journalists and media outlets, and comment on reports of: (a) the revocation of the broadcast license of TV Rain, an independent Russian channel operating in Latvia; (b) amendments to the Electronic Mass Media Law imposing limitations on non-EU/EEA official languages; and the (c) approval of the “National Security Concept” providing that all content created by public media must only be in Latvian and languages belonging to the “European cultural space” from 1 January 2026, effectively prohibiting the production in the State party of TV and Radio content in Russian.

Participation in public affairs (arts. 25 and 26)

22. Please describe the steps taken to ensure the participation of national minorities, persons with disabilities and women in the electoral process. In this regard, please provide information on: (a) the legislative amendments to the Pre-Election Campaign Law prohibiting pre-election campaigns in any language other than Latvian; (b) the steps taken to increase the accessibility of polling stations to facilitate the autonomous participation of persons with disabilities and to provide campaign materials and events in accessible formats or with sign language interpretation; and (c) the measures taken to achieve equitable representation of women in political and public life, particularly in legislative and executive bodies at the national, regional and local levels. Please report on the progress achieved in this regard, providing up-to-date statistics.

Rights of minorities (art. 27)

23. In the light of the Committee’s most recent concluding observations (para. 20) and with reference to the information in the State party report (CCPR/C/LVA/4, paras. 141-150 and 163-164), please describe the measures taken to prevent the negative effects on linguistic minorities of the transition to Latvian as the exclusive language of instruction, particularly in light of recent legislative amendments accelerating the transition and eliminating Russian as a second language in schools and pre-schools beginning in 2026. Please describe the steps taken to ensure the effective and meaningful participation of affected minorities in these transition processes. Please also provide information on the steps taken to ensure that teachers who lack sufficient Latvian language skills have adequate access to training in the Latvian language.
